

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

04 AUG 20 AM 11:07

JOHN SAYYAH & BRENDA FRANK

pro se plaintiffs

CASE NO. 1:01-CV-00459

-vs-

SENIOR JUDGE WEBER

MAGISTRATE JUDGE BLACK

WAYNOKA PROPERTY OWNERS ASSOCIATION, ET AL

defendants

MOTION FOR LEAVE TO FILE

DEFENDANT HERBERT FREEMAN'S

RULE 26 INITIAL DISCLOSURES

Now comes defendant Herbert E. Freeman, an attorney at law but herein acting pro se, who hereby seeks leave of court to file initial disclosures pursuant to Federal Rule of Civil Procedure 26 A through E. As good cause shown for the slight untimeliness of this response, defendant submits Exhibit "A", a duplicate original of the Order of Appointment of Counsel in a Capital Case [State of Ohio -vs- Javon Byrd, Case No. B-0401231]. This case is set for trial on October 12th of 2004, and as of today's date defendant has refused to waive time. Included in case preparation is the expectancy that depositions must be taken in the

jurisdiction of Florida. This Court can take judicial notice of the fact that Florida has just fallen into virtually a complete state of disrepair, due to the convergence thereupon of two hurricanes. Thus defendant herein has been forced to "front load" much of his local trial preparation into the past three weeks.

INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION:

1. All defendants and both plaintiffs in the within cause.

2. All parties in the following cases in this court:

Melvin Bledsoe -vs- W.P.O.A., et al

["copycat" Civil RICO Case No. 1:02-CV-00074];

Sayyah & Frank -vs- W.P.O.A., et al

[Title 42 U.S. Code 1983 action];

Sayyah, Frank, & Robert Rickling -vs- W.R.W.S.D., et al

[Title 42 U.S. Code 1983 action];

Sayyah, Frank & Rickling -vs- Stephen Yeager, Esq., et al

[Title 42 U.S. Code 1983 action];

Sayyah, Frank & Rickling -vs- W.P.O.A., et al

[Title 42 U.S. Code 1983 Action]

3. All cases in the Brown County, Ohio Common Pleas Court wherein any combination of plaintiffs John Sayyah, Brenda Frank, Gary Frank, Robert Rickling, or Melvin Bledsoe are parties against some or all defendants herein. Same for 12th District of Ohio Court of Appeals. Same for 6th Circuit Court of Appeals.
4. Disciplinary Counsel, Ohio Supreme Court
[subpoena duces tecum]
65 South Front Street, Columbus, Ohio 43215-3431

5. Connie Sayyah, 238 Waynoka Drive, Sardinia, Ohio 45171
6. Vickie Sayyah, same address
7. Mary Ann Kearns, c/o The Ledger Independent, Maysville, Ky.
8. J. Kenneth Blackwell, Secretary of State
Corporate Records Department [subpoena duces tecum]
Watchforce, Inc.; Schools "R" Us Fundraisers USA, Inc.;
Speakout Publications [fictitious name]
9. John Dunn, Brown County Sheriff's Department
c/o Dwayne Wenninger, SHERiff [subpoena duces tecum]
10. Terry Yoho, "Certified" fraud examiner
11. Jay Cutrell, Attorney at Law, Georgetown, Ohio
12. Ohio State Auditor
13. Kamphaus Associates, Auditors, Inc.
14. Waynoka's current auditors
15. All property owners of Lake Waynoka
16. All employees of Lake Waynoka [WPOA, WRWSD, The Watering
Hole, The Broken Arrow]
17. All current & past board members
18. Manager, Georgetown McDonald's

DOCUMENTS:

Materials distributed by John Sayyah d.b.a. Watchforce Inc.,
Speakout Publications, Schools "R" Us Fundraisers USA Inc.
[plaintiff Sayyah has copies]

All documents in WPOA/WRWSD Business Office, 1 Waynoka Drive 45171

Documents of Terry Yoho and other entities listed above and
relevant to this investigation

Attached correspondence

All documents listed or introduced by any party herein

Real estate records [ownership, transfers, etc.] of plaintiffs
and of Melvin Bledsoe (fraudulent transfer to avoid exposure
for counterclaims allegation, part of punitive damages claim)

DAMAGES

\$200.00 per hour for professional legal services [lost wages] reflecting the time spent on this case, on appeals relating to this case, and on cases wherein some or all of the same subject matter has been essentially "repackaged" by some or all of the plaintiffs. Hours equals 500+ hours to date, and is rising day by day.

Damages for injury done to defendant's professional reputation. Combinations and permutations of plaintiffs and some coplaintiffs have caused to be printed in newspapers of general circulation the allegations contained herein as well as allegations by various combinations & permutations of confederate coplaintiffs in this district, in the Sixth Circuit, in the Brown County Ohio Court of Common Pleas, and in the 12th Appellate District for the State of Ohio.

Punitive damages, including but expressly not limited to attacks [personal] on defendant, on defendant's family, on defendant's professional reputation, and on defendant's status in the community. Intentional infliction of emotional distress, including but expressly not limited to the fact that defendant must muster a defense & compulsory series of counterclaims in aforementioned respective court systems while at the same time fighting an aggressive form of prostate cancer [Stage IV].

INSURANCE

Plaintiffs' allegations, assuming for the limited purpose of this discussion they are presumed to be true, do not constitute an "insurable series of events" within any known or existing policy maintained by or for this defendant.

Rule 26[A](1)[E](vii) Events

These items are exempt from disclosure at this time, notwithstanding the fact that some qualifying materials have been voluntarily disclosed by way of attachment hereupon.

-Evidence Rule 404[B] materials are also exempt-

Experts/Reports In anticipation of and in precompliance with defendant's 12-01-04 discovery deadline imposed by Magistrate Black, defendant intends to use no experts, and submit no corresponding reports.

This document is intended to constitute precompliance with Magistrate Black's 12-01-04 discovery deadline requirements.

Respectfully submitted,



Herbert E. Freeman [0005364]
Attorney at Law
114 East Eighth Street
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CERTIFICATION

I certify that on the filing date time-stamped hereon I have sent by ordinary U.S. Mail [postage prepaid] an exact copy of this pleading to the following:

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